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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,196	01/09/2004	Walter Ray Laster	2003P17579US	8806

7590 09/14/2005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

CASAREGOLA, LOUIS J

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TALN

Office Action Summary	Application No. 10/754,196	Applicant(s) LASTER ET AL.	
	Examiner Louis J. Casaregola	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5, 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Restriction Requirement

Restriction to one of the following inventions is required under 35 USC 121:

- I. Claims 1-10 drawn to gas turbine apparatus classified in Class 60, subclass 723, and
- II. Claims 11-17 drawn to a gas turbine operating method classified in Class 60, subclass 777.

The inventions of Groups I and II above are distinct because the apparatus of Group I could be operated according to a method materially different than that of Group II. There is nothing in the claimed apparatus, for example, that requires the use of inlet guide vanes as specified by the claimed method; the apparatus could in fact be operated without such a feature.

Because these inventions are distinct for the reasons given above and require separate classification and/or divergent fields of search, restriction for examination purposes as indicated is proper.

On 9/8/05, applicants' attorney, Mr. Erik Swanson, made a telephone election of the invention of Group I, claims 1-10. An action on the merits of these claims is set forth below and non-elected claims 11-17 are withdrawn from further consideration.

Objections To Claims

Claims 5 and 10 are objected to under 37 CFR 1.75(a) for the following reason:

The limitations in claims 5 and 10 appear to be substantially identical and these claims are therefore considered redundant. Unless applicant can demonstrate that there is some significant distinction between claims 5 and 10, one or the other should be canceled.

Claim Rejections - 35 USC 102

Claims 1-4 are rejected under 35 USC 102(e) as being anticipated by Yee et al.

The claimed catalytic combustion apparatus reads on prior art combustion systems of the type disclosed by Yee. Attention is called to Yee's Figure 6; note catalytic combustion unit 6-11 and the compressed air bypass comprising the branch line to atmosphere from duct 6-14. The air in this branch line bypass both the combustor and turbine as specified in claim 1. In regard to claim 2, note also that the branch line includes valve 6-42, and the recited valve control signal is so broad as to read on anything that operates this valve. With respect to claim 3, attention is called to the fact that element 15-1 and related components (Fig. 15) constitute a temperature responsive valve controller. As concerns claim 4, attention is additionally called to the fact that the

air vented by valve 42 is taken from a region near the compressor discharge (col. 17, lines 23-25), hence, the stage number for air extraction is greater than $N/2$ as claimed.

Allowable Subject Matter

Claims 6-9 are allowed, and claim 5 and/or 10 will also be allowed if the above objection is overcome. Allowance of this case is further contingent upon cancellation of non-elected claims 11-17.

Additional References

Mackay is cited as disclosing a further example of a catalytic combustion system with a bypass air circuit; see Figure 2 and note the branch line controlled by valve 34.

Application/Control Number: 10/754,196

Page 5

Art Unit: 3746

L. J. Casaregola
571-272-4826 (M-F; 7:30-4:00)
571-273-8300 FAX
September 12, 2005



LOUIS J. CASAREGOLA
PRIMARY EXAMINER

If repeated attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).